

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 8, 2002

Court convened at 9:00 a.m.

Present The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. E. Moore

D038486 Hopkins v. San Diego Unified Port District, et al.

Cause called on merits. Bradley Fields, Esq. argued for appellant. Ellen Faye Gross, Esq. argued for respondent. Mr. Fields replied. Cause submitted.

D037477 Lancer Insurance Company v. Aon Re, Inc., et al.

Cause called on merits. Margaret L. Parker, Esq. argued for appellant/cross-respondent. R. Gaylord Smith, Esq. argued for respondent/cross-appellant. Ms. Parker replied. Mr. Smith replied. Cause submitted.

Court recessed at 10:08 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre
Clerk: D. E. Moore

D037414 Pearson et al. v. Barr/Transamerica Occidental Life Insurance Company

Cause called on merits. Scott Metzger, Esq. argued for appellant, Pearson. Scott Kolad, Esq. argued for appellant/cross-respondent, Barr. Mr. Metzger replied. On to cross appeal: Scott Kolad, Esq. argued for appellant/cross-respondent, Barr. Thomas M. Herlihy, Esq. argued for respondent, Transamerica. Mr. Kolad replied. Cause submitted.

Court recessed at 2:27 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D037856 Mercury Books, Inc. v. G & Emporia, Inc., et al.

Cause called on merits. John B. Barriage, Esq. argued for appellant. David R. Clark, Esq. argued for respondent. Mr. Barriage replied. Cause submitted.

D037968 People v. Majors

Cause called on merits. Patricia J. Ulibarri, Esq. argued for appellant. Daniel Rogers, Deputy Attorney General argued for respondent. Ms. Ulibarri replied. Cause submitted.

Court recessed at 3:28 p.m. until Tuesday, July 9, 2002 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 8, 2002 (Continued)

D039188 Sun Sheet Metal, Inc. v. James

The appeal is dismissed.

D040189 In re Abordo on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 9, 2002

D037375 Satten v. Webb et al.

The petition for rehearing is denied.

D040031 In re J.G., a Minor

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039763 In re Jacob S., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D040173 Certain Underwriters at Lloyd's, London v. Superior Court of San Diego
County/Nautronix, Inc., et al.**

The petition is denied.

D040197 Jackson v. Superior Court of San Diego County/People

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice and The Honorable Associate Justices
Judith Haller and Alex McDonald

Clerk: D. E. Moore

D037561 People v. Gordon

Cause called on merits. Nancy J. King, Esq. argued for appellant. Doug Danzig, Deputy Attorney
General argued for respondent. Ms. King replied. Cause submitted.

D036698 People v. Robinson

Cause called on merits. Jerome P. Wallingford, Esq. argued for appellant. Gary Brozio, Deputy Attorney
General argued for respondent. Mr. Wallingford replied. To be submitted at a later date.

D039130 In re Carson T., a Juvenile

Cause called on merits. Alice C. Shotton, Esq. argued for appellant, Leslie M. Linda Fabian, Esq. argued
for appellant, Rodney T. Andrea St. Julian, Esq. argued for the minor. Katherine Bird, Deputy Counsel
argued for respondent. Ms. Shotton replied. Ms. Fabian replied. Ms. St. Julian replied. Cause
submitted.

D037124 People v. Carrasco et al.

Cause called on merits. Patrick Morgan Ford, Esq. argued for appellant, Hallman. Laurel Nelson Smith,
Esq. argued for appellant, Carrasco. Anthony DaSilva, Deputy Attorney General argued for respondent.
Mr. Ford replied. Ms. Smith replied. Cause submitted.

Court recessed at 10:55 a.m. to change panel members. New panel members: The Honorable Patricia
Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 9, 2002 (Continued)

D038587) City of San Diego et al. v. Furgatch

D038751) Furgatch v. City of San Diego

D038879) Skane et al. v. City of San Diego et al.

Cause called on merits. Stanley F. Zubel, Esq. argued for appellant, Furgatch. James Bruce Henderson, Esq. argued for appellant, Skane, Mailhot etc. Charles A. Bird, Esq. argued for respondent, all City parties. Catherine Karcher, Esq. argued for respondent, JMI Realty, Inc., etc. Mr. Zubel replied. Mr. Henderson replied. Cause submitted.

Court recessed at 12:13 p.m. until 1:30 p.m.

D040164 Basney v. Superior Court of San Diego County/Levitz et al.

The petition is denied.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

Clerk: D. E. Moore

D036967 People v. Cardozo

Cause called on merits. Robert L. Swain, Esq. argued for appellant. David Delgado-Rucci, Deputy Attorney General argued for respondent. Mr. Swain replied. Cause submitted.

D037880 Habib v. Manni

Cause called on merits. Jennifer Johannes Hasso-Najm, Esq. argued for appellant. William F. Blatchley, Esq. argued for respondent. Ms. Hasso-Najm replied. Cause submitted.

D037804 People v. Resendiz

Cause called on merits. Martha L. McGill, Esq. argued for appellant, Juan Resendiz. Daniel G. Koryn, Esq. argued for appellant, Jose Resendiz. Kevin Vienna, Deputy Attorney General argued for respondent. Ms. McGill replied. Mr. Koryn replied. Cause submitted.

D037521 Kumeta v. City of San Diego et al.

Cause called on merits. Lee Clark, Esq. argued for appellant, and submitted additional paperwork to the court. Claudia Gacitua Silva, Esq. argued for respondent. Mr. Clark replied. Cause submitted.

Court recessed at 3:01 p.m. until Wednesday, July 10, 2002 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 10, 2002

Court convened at 9:00 am.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. E. Moore

D036023 People v. Cain

Cause called on merits. John J. Lanahan, Esq. argued for appellant. Teresa Torreblanca, Deputy Attorney General argued for respondent. Mr. Lanahan replied. Cause submitted.

Court recessed at 9:25 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D039533 Jinatongthai v. Tri-City Medical Center et al.

Cause called on merits. Sondra Sue Sutherland, Esq. argued for appellant. Richard Spirra, Esq. argued for respondent. Ms. Sutherland replied. Cause submitted.

Court recessed at 9:53 a.m. until 1:30 p.m.

D037477 Lancer Insurance Company v. Aon Re, Inc.

The trial court shall modify the judgment to provide that Aon pay the amount due on the guarantee "on or before March 5, 2001," and as so modified, the judgment is affirmed. Each party shall bear its own costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Haller, J.

D040028 In re Jennifer P., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D040010 In re Cassandra J., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D038569 In re Michael M., a Juvenile

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

D040193 In re Aguilar on Habeas Corpu

The petition is denied. We have taken judicial notice of the superior court file, SCE167964.

D040274 Velasco v. Superior Court of San Diego County/People

The petition is denied.

D033904 Konja v. Rezai et al.

The petition for rehearing is denied.

Court recessed at 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 10, 2002 (Continued)

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices
Alex McDonald and James McIntyre
Clerk: D. E. Moore

D039440 Department of ABC v. Circle K Stores, Inc.

Matter called on merits. Chris A. Knudsen, Deputy Attorney General argued for petitioner. Ralph B. Saltsman, Esq. argued for real party in interest. Mr. Knudsen replied. Matter submitted.

D039443 Department of ABC v. 4805 Convoy, Inc.

Matter called on merits. David Tiede, Deputy Attorney General argued for petitioner. William R. Winship, Jr., Esq. argued for real party in interest. Mr. Tiede replied. Matter submitted.

D039633 Panther v. Superior Court/William K. Park et al.

Matter called on merits. Steven A. Micheli, Esq. argued for petitioner. Reginald A. Vitek, Esq. argued for real party in interest, Park etc. Samuel Arnold Wyman, Esq. was present in oral argument for real party in interest, Park etc., but did not argue. John R. Clifford, Esq. was present in oral argument for real party in interest, Tremblett, but did not argue. James A. McFall, Esq. argued for real party in interest, Financial Asset. Mr. Micheli replied. Matter submitted.

Court recessed at 3:03 p.m. until Friday, July 12, 2002 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 11, 2002

D038075 ESSD, Inc. v. Tomskey et al.

The order is affirmed. Costs on appeal are awarded to ESSD. Upon the issuance of the remittitur, ESSD may apply to the trial court for attorney fees on appeal. McIntyre, J.; We Concur: Nares, Acting P.J. O'Rourke, J.

D039219 In re Lesly L., a Juvenile

The order is reversed. The juvenile court is directed to enter a new order granting Oscar's de facto parent application. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D039133 In re Morgan G., et al., Juveniles

The orders are affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D039033 People v. Sanchez

D039034

(Consolidated) Judgment affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

D040109 In re Suarez on Habeas Corpus

The petition is denied.

D036361 Summers v. McClanahan

The judgments are reversed and remanded as to Summers's claims against McClanahan for fraud and intentional interference with business and as to McClanahan's cross-claim against Summers for breach of the note. In all other respects, the judgments are affirmed. Heisner is entitled to recover his costs against Summers; Summers and McClanahan shall bear their own costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J., McConnell, J.

D039252 People v. Whiting

Judgment affirmed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D040148 In re Buena Vista on Habeas Corpus

The petition is denied.

D037034 Bravo v. Ismaj et al

The petition for rehearing is denied.

Bravo's request to publish the order denying his rehearing petition is denied as moot. The opinion has been certified for publication. The publication of a California appellate opinion in the official reporter includes the fact that the appellate court has denied a rehearing petition.

In response to Bravo's request contained within his Notice of Pending Sanctions under Code of Civil Procedure section 128.7, the request is denied. The code section is not applicable to a court.

D037885 Bell v. Vista Unified School District et al.

It is ordered that the opinion filed June 18, 2002, is modified. The petition for rehearing is denied. There is no change in the judgment.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 11, 2002 (Continued)

D040239 In re Haley on Habeas Corpus

The petition is denied.

D037756 Redevelopment Agency of the City of San Diego v. Cheney et al.

D038897 Redevelopment Agency of the City of San Diego v. Cheney et al.

Upon written request filed by the parties to the appeal, the appeal by The Redevelopment Agency of the City of San Diego filed on September 21, 2001, under docket No. D038897 and its cross-appeal filed April 27, 2001, under docket No. D037756 are dismissed. The appeal by The Horton Heirs filed on March 23, 2001, under docket No. D037756 and its cross-appeal filed on October 1, 2001, under docket No. D038897 are dismissed. The remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D039996 In re Hollins on Habeas Corpus

The petition is denied.

D040153 In re Singleton on Habeas Corpus

The petition is denied.

D040387 Salazar v. Superior Court of San Diego County/Magos

Let a writ issue directing the superior court to allow the substitutions to be filed. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(d).) Costs are awarded to petitioner. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 12, 2002

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre
Clerk: D. E. Moore

D038487 Britt, Jr. v. San Diego Unified Port District

Cause called on merits. Ellen Fay Gross, Esq. argued for respondent. Shelby Dean Britt, Jr., Esq. argued for appellant. Cause submitted.

D039273 Pardee Construction Company v. Superior Court/Rodriguez et al./RPI

Matter called on merits. Robert C. Carlson, Esq. argued for petitioner. John Morris, Esq. argued for real party in interest. Mr. Carlson replied. Matter submitted.

D035441 People v. McDonald

Cause called on merits. Casey Donovan, Esq. argued for appellant. Pam Ratner, Deputy Attorney General argued for respondent. Mr. Donovan replied. Cause submitted.

Court recessed at 10:20 a.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice and The Honorable Associate Justices Alex McDonald and James McIntyre

D038835 Redevelopment Agency of the City of San Diego v. The Salvation Army

Cause called on merits. H. Douglas Galt, Esq. argued for appellant. Richard G. Opper, Esq. argued for respondent. Mr. Galt replied. Cause submitted.

Court recessed at 11:18 a.m.

D038586 People v. Taylor

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D040322 Tiffany M. v. Superior Court San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Tiffany M. has notified the court on behalf of the petitioner that a Petition for Writ Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D040394 In re LeGrand on Habeas Corpus

The petition for writ of habeas corpus, in re LeGrand D040394, will be considered at the same time as the pending appeal, People v. LeGrand D038070.

D040405 Cox v. Overton

The appeal is dismissed without prejudice for failure to comply with California Rules of Court, rules 61-69.